

1 HONORABLE ROBERT S. LASNIK
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

9 In re CTI BIOPHARMA SHAREHOLDER
10 DERIVATIVE ACTION

NO. 2:16-cv-00756-RSL

11 Consolidated with 2:16-cv-01250-RSL

12 **STIPULATION AND [PROPOSED]
ORDER OF DISMISSAL WITH
PREJUDICE**

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15 **STIPULATION**

16 WHEREAS, the parties (“Federal Settling Parties”) to the above-referenced action entered
17 into a Stipulation of Settlement dated October 24, 2017;

18 WHEREAS, said Stipulation of Settlement resolved the claims asserted in the above-
19 referenced action as part of a global settlement of derivative claims brought on behalf of the
20 Nominal Defendant CTI Biopharma Corp. that also included two actions brought in the Superior
21 Court of the State of Washington for King County, captioned *Hammond v. Bianco, et al.*, 16-2-
22 05818-3, and *Eley v. Bianco, et al.*, 16-2-14422-5;

23 WHEREAS, on January 31, 2018, the Superior Court of the State of Washington for King
24 County held a final Fairness Hearing to consider the fairness and adequacy of the Stipulation of
25 Settlement and entered an Order Approving Settlement and Judgment (“Final Order”) on January 31,
26 2018;

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28 STIPULATION OF DISMISSAL WITH PREJUDICE
(2:16-cv-00756 RSL) - 1

4810-8280-1758v.2 0088359-000012

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1 WHEREAS, the time to appeal from said Final Order has run and no appeal has been filed;

2 WHEREAS, the Federal Settling Parties and their respective counsel agree that at all times
3 the Federal Settling Parties and their counsel complied with the requirements of Rule 11 of the
4 Federal Rules of Civil Procedure;

5 WHEREAS, the Federal Settling Parties desire to consummate the final steps of the
6 Stipulation of Settlement by requesting this Court's approval of the dismissal of this action;

7 IT IS THEREFORE HEREBY STIPULATED AND AGREED,

8 Pursuant to Fed. R. Civ. P. 41(a)(2), the terms of the Stipulation of Settlement, and the terms
9 of the Final Order, the Federal Settling Parties hereby stipulate to the voluntary dismissal of this
10 action with prejudice, on the merits, based on res-judicata principles, and with each party bearing its
11 own costs, and seek this Court's approval of said dismissal.

12 Dated this 7th day of March, 2018.

13 Respectfully submitted,

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27 **Counsel for Defendants and Nominal
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28 **STIPULATION OF DISMISSAL WITH PREJUDICE**

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- And -

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26 *Counsel for Plaintiff Hill*
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28 **ORDER**

1 Pursuant to the foregoing Stipulation, this action and all claims asserted herein are
2 DISMISSED WITH PREJUDICE.

3 DATED this _____ day of _____, 2018.
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5 _____
6 ROBERT S. LASNIK
7 UNITED STATES DISTRICT JUDGE
8

9 STIPULATION OF DISMISSAL WITH PREJUDICE
10 (2:16-cv-00756 RSL) - 3
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CERTIFICATE OF SERVICE

I hereby certify that on March 7, 2018, I caused the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

All Counsel of Record

I also hereby certify that a copy was mailed by United States Postal Service to the following non-CM/ECF participants.

N/A

s/ *Brendan T. Mangan*

Brendan T. Mangan

STIPULATION OF DISMISSAL WITH PREJUDICE

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